

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**IN RE:**

**PHASE ONE SERVICES LLC**

**Debtor**

§  
§  
§  
§  
§

**CASE NO. 23-30835**

**CHAPTER 11**

**APPLICATION TO EMPLOY THE LANE LAW FIRM PLLC  
AS COUNSEL FOR THE DEBTOR-IN-POSSESSION**

**THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.**

**REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.**

**TO THE HONORABLE UNITED STATE BANKRUPTCY JUDGE:**

Comes Now, Phase One Services LLC (the “Debtor”), and files its Application to Employ The Lane Law Firm, PLLC. (“LANE”) as Counsel for the Debtor-In-Possession (the "Application"), pursuant to 11 U.S.C. §§327 and 328, and Federal Rule of Bankruptcy Procedure 2014. In support of the Application, the Debtor relies upon the Affidavit of Attorney Robert C. Lane, The Lane Law Firm, PLLC (the "Lane Affidavit"), attached as Exhibit “A” and incorporated herein for all purposes. Also attached is an unsworn declaration by the Debtor’s attorney Robert C. Lane, The Lane Law Firm, PLLC, attached as Exhibit “B” and incorporated herein for all purposes. The Debtor presents this Application and respectfully represents the following:

**I. Jurisdiction and Venue**

1. This Court has jurisdiction to consider the Application pursuant to 28 U.S.C. §1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The statutory predicates for the relief requested herein are Sections 327 and 328 of the Bankruptcy Code, Rule 2014 of the Federal Rules of Bankruptcy Procedure ("Bankruptcy Rules") and Local Rule 2014 of the Local Court Rules of the United States Bankruptcy Court for the Southern District of Texas.

## **II. Background**

3. On March 8, 2023 ("Petition Date"), the Debtor filed a voluntary petition for relief under Chapter 11, Subchapter V of Title 11 of the United States Code, 11 U.S.C. §§ 101-1532 ("Bankruptcy Code").

4. The Debtor continues to manage and operate its automobile shipping and transportation business as Debtor-In-Possession pursuant to § 1184 of the Bankruptcy Code. As this is a Subchapter V case, no creditors' committee has been appointed in this case by the United States Trustee. Further, no trustee or examiner has been requested or appointed.

5. A further description of the background of the Debtor, and the events leading up to the filing of the voluntary petition by the Debtor will be set out in other pleadings. However, Debtor's primary reason for filing bankruptcy was to: (i) protect the Debtor from the collection efforts of creditors; and (ii) provide the means to propose a reasonable and feasible repayment plan for the repayment of its debts.

## **III. Retention of Robert C. Lane of The Lane Law Firm, PLLC**

6. The Debtor has retained The Lane Law Firm, PLLC to represent it in its Chapter 11 Bankruptcy Case because the firm and its attorneys and staff possess substantial experience and knowledge in the area of bankruptcy.

### **Engagement of the Proposed Attorney**

7. In connection with the performance of their duties and obligations as debtor-in-possession, the Debtor now requests authority to employ Robert C. Lane, of The Lane Law Firm, PLLC as its attorney in this bankruptcy case, effective as of the Petition Date.

8. Section 327(a) of the Bankruptcy Code provides: "the trustee, with the court's approval, may employ one or more attorneys ... that do not hold or represent an interest adverse to the estate, and

that are disinterested persons, to represent or assist the trustee in carrying out the trustee's duties under this title.” 11 U.S.C. § 327(a).

9. Debtor seeks to retain LANE to provide to provide the Debtor with legal advice and services with respect to the cases, the debtor’s powers, and duties as debtor-in-possession, and the continued operation of the Debtor’s business and management of the Debtor’s property, including but not limited to the following:

- a. to assist, advise and represent the Debtor relative to the administration of the chapter 11 case;
- b. to assist, advise and represent the Debtor in analyzing the Debtor’s assets and liabilities, investigating the extent and validity of lien and claims, and participating in and reviewing any proposed asset sales or dispositions;
- c. to attend meetings and negotiate with the representatives of the secured creditors;
- d. to assist the Debtor in the preparation, analysis, and negotiation of any plan of reorganization and disclosure statement accompanying any plan of reorganization;
- e. to take all necessary action to protect and preserve the interests of the Debtor;
- f. to appear, as appropriate, before this Court, the Appellate Courts, and other Courts in which matters may be heard and to protect the interests of the Debtor before said Courts and the United States Trustee; and
- g. to perform all other necessary legal services in these cases.

10. Under the terms of employment, the Attorney has agreed to represent Debtor, subject to the approval of the Court, based on time and standard billing charges of \$550.00 per hour for Robert C. Lane, \$500.00 per hour for Joshua Gordon, \$350.00 - \$400.00 per hour for associate attorneys, and \$125.00 - \$175.00 per hour for paraprofessionals.

11. LANE received two payments from the Debtor for its retainer: \$5,000.00 on February 23, 2023 and \$15,000.00 on March 6, 2023, for a total of \$20,000.00 for financial advice and representation of the Debtor. Prior to filing, LANE consumed \$8,162.00 in attorney’s fees and \$1,772.50 in expenses from this retainer for the preparation and filing of this case.

### **LANE Disinterestedness**

12. To the best of Debtor's knowledge, information and belief, except as set forth above LANE, has no connection with Debtors' creditors, parties-in-interest or affiliates, or attorneys or accountants for any of them, the United States Trustee, or any person employed in the Office of the United States Trustee. Moreover, the Debtor does not have any relationship with the United States Trustee, or with any employee of the United States Trustee, in the region which this case is pending. To the extent that the Robert C. Lane Affidavit discloses any connection, the Debtor believes it is not sufficient to prohibit employment as counsel.

13. Based upon the Robert C. Lane Affidavit and Debtors' knowledge, Robert C. Lane and LANE do not represent any interest adverse to the Debtor, its estate, creditors, equity holders, or affiliates in the matters upon which LANE is to be engaged, and is a "disinterested person" within the meaning of section 101(14) of the Bankruptcy Code, as modified by section 1107(b) of the Bankruptcy Code, and as required by section 327(a) of the Bankruptcy Code.

### **Reimbursement of Expenses**

14. The Debtor has been advised by LANE those disbursements for expenses are not included in LANE's hourly rates and will be separately billed as expenses of this proposed engagement. Such disbursements for expenses may include, without limitation, charges for photocopying, courier services, document retrieval costs, printing, computer-assisted legal research, postage, long distance, telecopier, deposition fees, filing fees, witness fees, subpoena fees, parking fees, tolls, travel expenses (including mileage), and any fees for outside contract services. In certain cases, charges are set by the service providers or outside contractors and in other cases, LANE establishes a customary charge. Subject to any limitations set forth by this Court, LANE will charge the actual cost of these expenses in a manner and at rates consistent with charges made to LANE's other clients.

#### IV. Prayer

WHEREFORE, Debtor hereby requests that it be authorized to employ Robert C. Lane of The Lane Law Firm, PLLC to represent the Debtor as Debtor-in-possession in these bankruptcy proceedings under Chapter 11 of Title 11, United States Code, effective as of the Petition Date and that the Debtor has such other and further relief as is just.

Dated: March 8, 2023

Phase One Services LLC

/s/ Ashley Williams

Ashley Williams, Owner/President

THE LANE LAW FIRM, PLLC

/s/ Robert C. Lane

Robert C. Lane

State Bar No. 24046263

notifications@lanelaw.com

Joshua D. Gordon

State Bar No 24091592

Joshua.gordon@lanelaw.com

6200 Savoy, Suite 1150

Houston, Texas 77036

(713) 595-8200 Voice

(713) 595-8201 Facsimile

PROPOSED COUNSEL FOR DEBTOR

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served upon the US Trustee and to the parties listed on the service list below and the attached mailing matrix either via electronic notice by the court's ECF noticing system or by United States first class mail, postage prepaid, on March 8, 2023:

Debtor:

Phase One Services LLC  
10604 ½ Wallisville Road  
Houston, Texas 77044

US Trustee:

Office of The United States Trustee  
515 Rusk Street, Suite 3516  
Houston, TX 77002

Notice will be electronically mailed to:

US Trustee

[USTPRegion07.HU.ECF@USDOJ.GOV](mailto:USTPRegion07.HU.ECF@USDOJ.GOV)

Alicia Lenae Barcomb on behalf of U.S. Trustee US Trustee  
[alicia.barcomb@usdoj.gov](mailto:alicia.barcomb@usdoj.gov)

*/s/Robert C. Lane*  
Robert C. Lane

Label Matrix for local noticing  
0541-4  
Case 23-30835  
Southern District of Texas  
Houston  
Wed Mar 8 07:46:43 CST 2023

Phase One Services LLC  
10604 1/2 Wallisville Rd  
Houston, TX 77013-4123

4  
United States Bankruptcy Court  
PO Box 61010  
Houston, TX 77208-1010

Ashley Williams  
12910 Breezy Meadow Ln.  
Houston, TX 77044-1165

Aztec Portacans & Containers, LTD  
2001 W 34th Street  
Houston, TX 77018

Cashable LLC  
2 Executive Blvd 305  
Suffern, NY 10901-8219

City of Houston  
PO Box 1560  
Houston, TX 77251-1560

Cloud Fund, LLC  
400 Rella Blvd Suite 165-101  
Suffern, NY 10901-4241

Cosco Shipping Lines  
15600 JFK Blvd 400  
Houston, TX 77032-2344

DCLI Chassis  
PO Box 603061  
Charlotte, NC 28260-3061

Dakota Financial  
11755 Wilshire Blvd Suite 1670  
Los Angeles, CA 90025-1526

Department of Public Safety & Corrections  
PO Box 61047  
New Orleans, LA 70161-1047

Evergreen Shipping Agency  
16000 North Dallas Parkway 400  
Dallas, TX 75248-6609

Falcon Fleet Maintenance  
PO Box 7228  
Houston, TX 77248-7228

Financial Pacific Leasing  
3455 S. 344th Way Ste 300  
Federal Way, WA 98001-9546

HAPAG-LLOYD (AMERICA) LLC  
Regional Headquarters  
399 Hoes Lane  
Piscataway, NJ 08854-4115

HMM Co., LTD  
222 West Las Colinas Blvd 700  
Irving, TX 75039-5468

Harris County Toll Road Authority  
PO Box 4440  
Houston, TX 77210-4440

Houston Industrial Yard, Inc./Triton Realty  
3657 Briarpark Drive 300  
Houston, TX 77042-5266

IPFS Corporation  
P.O. Box 412086  
Kansas City, MO 64141-2086

Internal Revenue Service  
P.O. Box 7346  
Philadelphia, PA 19101-7346

Law Offices of Isaac H. Greenfield PLLC  
2 Executive Blvd 305  
Suffern, NY 10901-8219

M&M Tire and Mechanic Shop  
11649 Wallisville Road  
Houston, TX 77013-3418

Mediterranean Shipping Company Inc.  
4700 W Sam Houston Pkwy N 250  
Houston, TX 77041-8225

Motive Credit Card  
3500 South Dupont Highway  
Dover, DE 19901-6041

Navitas Credit  
203 Fort Wade Road 300  
Ponte Vedra, FL 32081-5159

OTR Leasing  
9100 Liberty Drive  
Liberty, MO 64068-7500

Padfield & Stout  
420 Throckmorton Street Suite 1210  
Fort Worth, TX 76102-3792

Plexe LLC  
6295 Greenwood Plaza Blvd 100  
Englewood, CO 80111-4978

Sealand Maersk Company  
9300 Arrowpoint Blvd  
Charlotte, NC 28273-8136

Shark Trucking  
12106 Mesa Drive  
Houston, TX 77016-1622

Silverline Services Inc.  
1334 Peninsula Blvd 160  
Hewlett, NY 11557-1226

Small Business Administration  
409 3rd St SW  
Washington, DC 20416-0005

Stream  
PO Box 650261  
Dallas, TX 75265-0261

TBS Factoring Service  
PO Box 18109  
Oklahoma City, OK 73154-0109

TRAC Intermodel  
750 College Road East  
Princeton, NJ 08540-6646

TXTAG  
PO Box 650749  
Dallas, TX 75265-0749

The Feldman Law Firm, P.C.  
3000 Marcus Avenue 2W15  
New Hyde Park, NY 11042-1005

The LCF Group  
3000 Marcus Avenue 15  
New Hyde Park, NY 11042-1005

The Lane Law Firm  
6200 Savoy Dr Ste 1150  
Houston, TX 77036-3369

Transfer Shipping  
25 W I-65 Service Road  
Mobile, AL 36608-1201

US Trustee  
Office of the US Trustee  
515 Rusk Ave  
Ste 3516  
Houston, TX 77002-2604

Waste Management  
1001 Fannin Suite 4000  
Houston, TX 77002-6711

Willscot  
4646 E Van Buren Street  
Phoenix, AZ 85008-6915

Ying Yang  
3250 Briarpark Dr Suite 201  
Houston, TX 77042-4263

ZiM American Integrated Shipping Lines  
5801 Lake Wright Drive  
Norfolk, VA 23502-1863

Robert Chamless Lane  
The Lane Law Firm  
6200 Savoy Drive  
Ste 1150  
Houston, TX 77036-3369

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Phase One Services LLC  
10604 1/2 Wallisville Rd  
Houston, TX 77013-4123

(u)Williams Scotsman, Inc.  
10604 1/2 Wallisville Road  
77103

End of Label Matrix	
Mailable recipients	46
Bypassed recipients	2
Total	48